

Applicant respectfully traverses the § 103(a) rejection of claims 1-3, 6, and 11 over Srinavasan. The Examiner has not set forth a *prima facie* case of obviousness. The Examiner states that it would be obvious for an alternate program to be broadcast. This is a broad characterization of one function of the present invention, but this statement does not address the structure of the invention or all elements of the invention recited in the claims. Regardless of whether it would be obvious for a sender to rebroadcast a program, and applicant does agree that this is the case, the Examiner has neither argued nor set forth evidence demonstrating the obviousness of providing, for example, reception means, and record means, combined with a rerecord promote means, having the features recited in the claims, related to broadcasting an alternative broadcast, as recited in the claims. Moreover, *assuming arguendo*, that the Examiner had set forth a *prima facie* case of obviousness over this reference, Srinavasan discloses only information downloading from a network. In contrast, the present claims recite that the invention is capable of, in response to failed recording of a broadcast, receiving identical content from a broadcast transmitting the same content. Srinavasan neither discloses nor suggests any response to successful or failed reception of information, and for this addition reason, Srinavasan does not suggest claims 1-3, 6, or 11 under § 103(a).

Applicant also respectfully traverses the § 103(a) rejection of claims 4, 5, 7, and 12 over Gruse. This reference discloses only reporting, while information is being broadcast from a network, a program which transmits the same information. In contrast, in the present invention, should information reception fail, the invention links preceding and subsequent information to receive the information with failed reception. Gruse

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

neither discloses nor suggests either detection of failed reception or linking of information.

Applicant further respectfully traverses the § 103(a) rejection of claims 5-10 and 13 over Schindlar. Schindlar discloses keeping track of what has been recorded or already viewed, thereby avoiding duplicate recording, but Schindlar lacks a description of any specific procedure to achieve this goal. Moreover, Schindlar does not disclose any means or method to avoid double recording. In contrast, the invention prevents double recording by comparing, using a broadcast receiving apparatus, incidental information of broadcast content to be newly recorded, and that of a broadcast content already recorded, to prevent double recording by, for example, sending a message to the user, or by prohibiting recording.

For all of the above reasons, the present claimed invention is non-obvious over any of the cited references, alone or in combination.

Applicant therefore requests reconsideration of the claims, withdrawal of the rejections and a prompt Notice of Allowance.

If there are any fees due in connection with the filing of this Amendment, please charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 18, 2003

By: 
James W. Edmondson
Reg. No. 33,871